

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Tosato et al.

Art Unit: 1642

Application No. 09/828,000

Filed: April 6, 2001

For: VASOSTATIN AS MARROW PROTECTANT

Examiner: Natalie A. Davis

Date: May 31, 2002

CERTIFICATE OF MAILING

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being deposited with the United States Postal Service on May 31, 2002 as First Class Mail in an envelope addressed to: BOX NON-FEE AMENDMENT, COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231.


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AMENDMENT IN RESPONSE TO PAPER NO. 7

This amendment is submitted in response to the Office action, dated March 12, 2002, for which a three month period for reply was set, making a response due on or before June 12, 2002. Please amend the application as follows:

In the claims:

B1 38. (Twice Amended) A method of protecting a bone marrow cell in a subject treated with a chemotherapeutic agent or radiation from a toxicity caused by chemotherapy or irradiation, comprising administering to the subject a therapeutically effective amount of a peptide comprising SEQ ID NO:6, thereby stimulating proliferation of the bone marrow cell or protecting the bone marrow cell from the toxicity caused by chemotherapy or irradiation.

39. (Reiterated) The method of claim 38, wherein the hematopoietic cell is a bone marrow cell.